

U.S. EPA Region 9

January 12, 2000

Mr. Allen Biaggi,
Administrator
Nevada Division of Environmental Protection
333 W. Nye Lane, Room 138
Carson City, NV 89706-0851

Dear Mr. Biaggi:

We have found inadequate for transportation conformity purposes the motor vehicle emission budgets in the Carbon Monoxide Air Quality Implementation Plan for the Clark County Non-attainment Area (October 1999). As a result of our inadequacy finding, the Regional Transportation Commission and the Federal Highway Administration cannot use these budgets in future conformity analyses .

On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued a decision on *Environmental Defense Fund vs. the Environmental Protection Agency*, No. 97-1637, that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in State Implementation Plans are adequate before they are used to determine the conformity of Transportation Improvement Programs or Long Range Transportation Plans. In response to the court decision, we are making any submitted SIP revision containing a control strategy plan available for public comment and responding to these comments before announcing our adequacy determination.

On September 28 1999, the Nevada Division of Environmental Protection submitted the serious CO attainment plan to EPA. The plan identifies regional motor vehicle emission budgets in tons of CO per day for the years 2000, 2010 and 2020. We announced receipt of the plan on the Internet and requested public comment by November 2 , 1999. We received no new comments on the plan during that comment period. One commentor transmitted a copy of comments previously submitted on the draft CO plan. Our decision on these budgets is consistent with the commentor's recommendation.

This letter transmits our decision that the CO Plan is inadequate for transportation conformity decisions. After reviewing the plan, we have preliminarily determined that it will not result in attainment of the CO standards in the Las Vegas area. We have detailed our inadequacy determination in the enclosure and will soon post this information on the Internet at: <http://www.epa.gov/oms/transp/conform/pastsips.htm>. We will also announce this inadequacy

determination in the Federal Register. This determination will become effective 15 days after the Federal Register announcement.

If you have any questions regarding this decision, please contact Karina O'Connor at 415-744-1247 or Larry Biland at (415) 744-1227.

Sincerely,

David P. Howekamp
Director, Air Division

cc: Bob O'Loughlin, FHWA
Randy Bellard, FHWA
Leslie Rogers, FTA
Tom Fronapfel, NDOT
Christine Robinson, CCDCP
Michael Naylor, CCHD-APCD

Enclosure

Enclosure

Transportation Conformity Adequacy Review

Control Strategy SIP under Review: Clark County Serious Area CO Attainment		Date of SIP Revision Receipt by EPA: 10/06/99	
Reviewers: Karina O'Connor, Larry Biland		Date: 11/99	
Transportation Review Criteria		Is Criterion Satisfied? Y/N	Reference in SIP Document / Comments
Sec. 93.118(e)(4)(i)	The plan was endorsed by the Governor (or designee) and was subject to a public hearing.	Y	The September 29 1999 transmittal letter from NDEP to Felicia Marcus references NRS § 445B.100 through § 445B-845 which delegates authority to NDEP from the governor to adopt and submit plans. Appendix D contains documentation of a public hearing on the plan on September 21, 1999.
Sec. 93.118(e)(4)(ii)	The plan was developed through consultation with federal, state and local agencies; full implementation plan documentation was provided and EPA's stated concerns, if any, were addressed.	N	While we understand that consultation with federal, state and local agencies and the public was undertaken, the consultation is not described and documented in the plan. The plan also does not contain any of the actual public comments received on the plan or the responses to those comments.

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Sec. 93.118(e)(4)(iii)	The motor vehicle emission budget(s) is clearly identified and precisely quantified.	Y	The motor vehicle budget is clearly identified and precisely quantified in Chapter 8, on page 8-3 - 8-4 of the plan.
Sec. 93.118(e)(4)(iv)	The motor vehicle emissions budget(s), when considered together with all other emission sources, is consistent with applicable requirements for reasonable further progress, attainment, or maintenance (whichever is relevant to the given plan).	N	As discussed below, the plan does not adequately provide for all the control measures and emission reductions needed for attainment. Without the required mobile source control reductions, the area can not reach attainment.
Sec. 93.118(e)(4)(v)	The plan shows a clear relationship between the emissions budget(s), control measures and the total emissions inventory	N	The emission inventory for all point, area and motor vehicle sources, and their relation to control measures, is described in Chapter 4, Control Measures. Examination of the control measure documentation indicates problems with achieving all of the emission reductions claimed in the plan, and claimed in the emissions budget. Of specific concern are emission credits claimed for voluntary TCM/TDMs (above the allowed 3%) and for the alternative fuel fleets program.

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Sec. 93.118(e)(4)(vi)	Revisions to previously submitted control strategy or maintenance plans explain and document any changes to any previous submitted budgets and control measures; impacts on point and area source emissions; any changes to established safety margins (see 93.101 for definition), and reasons for the changes (including the basis for any changes to emission factors or estimates of vehicle miles traveled).	N/A	There was no previous adequate CO budget for the Clark County nonattainment area.